

UNITED STATES DISTRICT COURT
for
EASTERN DISTRICT OF NORTH CAROLINA
NORTHERN DIVISION

U.S.A. vs. Joseph McCoy Powell

Docket No. 2:93-CR-4-1BO

Petition for Action on Supervised Release

COMES NOW Michael W. Dilda, probation officer of the court, presenting a petition for modification of the Judgment and Commitment Order of Joseph McCoy Powell, who, upon a jury trial verdict of guilty to Possession With Intent to Distribute Cocaine Base, Use and Carrying a Firearm During and in Relation to a Drug Trafficking Crime, and Possession of a Firearm by a Convicted Felon, was sentenced by the Honorable Terrence W. Boyle, U.S. District Judge, on September 29, 1993, to the custody of the Bureau of Prisons for a total term of 425 months. It was further ordered that upon release from imprisonment the defendant be placed on supervised release for 8 years under the standard conditions adopted by the court.

On July 7, 2010, pursuant to an Order Regarding Motion for Sentence Reduction Pursuant to 18 U.S.C. § 3582(c)(2), the sentence was reduced to 293 months imprisonment on Count 1. The sentence of 60 months consecutive in Count 2, and 120 months concurrent in Count 3 remained unchanged, producing a total term of 353 months.

On October 11, 2013, an Order further reduced the defendant's sentence to 210 months imprisonment on Count 1 pursuant to 18 U.S.C. § 3582(c)(2). The sentence of 60 months consecutive in Count 2, and 120 months concurrent in Count 3 remained unchanged for a total term of 270 months.

Joseph McCoy Powell was released from custody on October 15, 2013, at which time the term of supervised release commenced.

RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS:

On July 11, 2014, the defendant was served in Bertie County, North Carolina, for Communicating Threats (14CR50140), for conduct that allegedly occurred on February 27, 2014. Powell appeared in Bertie County District Court on August 14, 2014, and was found guilty of the offense and sentenced to 30 days custody, suspended upon payment of fine and costs. The sentence was appealed the same day and is currently pending in Bertie County Superior Court. The defendant denies the allegation, but is willing to complete a mental health evaluation to address any anger management concerns.

The defendant signed a Waiver of Hearing agreeing to the proposed modification of supervision.

Joseph McCoy Powell
Docket No. 2:93-CR-4-1BO
Petition For Action
Page 2

PRAYING THAT THE COURT WILL ORDER that supervised release be modified as follows:

1. The defendant shall participate in a program of mental health treatment, as directed by the probation office.

Except as herein modified, the judgment shall remain in full force and effect.

Reviewed and approved,

I declare under penalty of perjury that the foregoing is true and correct.

/s/ Dwayne K. Benfield
Dwayne K. Benfield
Supervising U.S. Probation Officer

/s/ Michael W. Dilda
Michael W. Dilda
U.S. Probation Officer
201 South Evans Street, Room 214
Greenville, NC 27858-1137
Phone: 252-758-7200
Executed On: October 22, 2014

ORDER OF COURT

Considered and ordered this 29 day of October, 2014, and ordered filed and made a part of the records in the above case.

Terrence W. Boyle
Terrence W. Boyle
U.S. District Judge